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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,990	02/17/2004	Raymond A. Blanchard JR.	M-643	1335
7590 08/09/2005			EXAMINER	
Joseph J. Grass, Esq. Paxar Americas, Inc. 170 Monarch Lane Miamisberg, OH 45342			WILLIAMS, KEVIN D	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

NA

Office Action Summary	Application No. 10/779,990	Applicant(s) BLANCHARD ET AL.	
	Examiner Kevin D. Williams	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-89 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-25, drawn to a printer having a holder for a supply roll, classified in class 400, subclass 613.
- II. Claims 26-39 and 80-89, drawn to a spindle assembly, classified in class 242, subclass 570.
- III. Claims 40-51, drawn to a printer having a platen roll driven by a gearing mechanism, classified in class 400, subclass 648.
- IV. Claims 52-57, drawn to a printer having two print heads, classified in class 400, subclass 216.
- V. Claims 58-65, drawn to a printer having a movable platen, classified in class 400, subclass 651.
- VI. Claims 66-70, drawn to a combination including a printer, platen, and stacker, classified in class 400, subclass 646.
- VII. Claims 71-75, drawn to a combination including a printer and a stacker having a platform, classified in class 400, subclass 637.5.
- VIII. Claims 76 and 77, drawn to a stacker, classified in class 221, subclass 175.
- IX. Claims 78 and 79, drawn to a stacker having a movable platform, classified in class 221, subclass 204.

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The inventions are distinct, each from the other because of the following reasons:

1. Inventions Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as functioning in an apparatus that does not accommodate roll cores of differing widths. Group II has separate utility such as functioning in a device other than a printing device. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

2. Inventions Group I and Group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as functioning in a printer not having a movable platen. Group III has separate utility such as functioning in a device that does not have a clamping member for clamping a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper.

3. Inventions Group I and Group IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I

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has separate utility such as functioning in a device not having two print heads. Group IV has separate utility such as functioning in a device not having a clamping member for clamping a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group IV, restriction for examination purposes as indicated is proper.

4. Inventions Group I and Group V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as functioning in a printer that does not have a movable platen. Group V has separate utility such as functioning in a device not having a clamping member for clamping a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group V, restriction for examination purposes as indicated is proper.

5. Inventions Group I and Group VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as functioning in a printer not having a stacker. Group VI has separate utility such as functioning in a device not having a clamping member for clamping a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group VI, restriction for examination purposes as indicated is proper.

6. Inventions Group I and Group VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as functioning in a printer not having a stacker. Group VII has separate utility such as functioning in a device not having a clamping member for clamping a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group VII, restriction for examination purposes as indicated is proper.

7. Inventions Group I and Group VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as functioning in a device not having a stacker. Group VIII has separate utility such as functioning in a device other than a printer. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group VIII, restriction for examination purposes as indicated is proper.

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8. Inventions Group I and Group IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as functioning in a device not having a stacker. Group IX has separate utility such as functioning in a device other than a printer. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group IX, restriction for examination purposes as indicated is proper.

9. Inventions Group II and Group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II has separate utility such as functioning in a device other than a printer. Group III has separate utility such as functioning in a device without a spindle for a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

10. Inventions Group II and Group IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II has separate utility such as functioning in a device other than a printer. Group IV has

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separate utility such as functioning in a device without a spindle for a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group IV, restriction for examination purposes as indicated is proper.

11. Inventions Group II and Group V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II has separate utility such as functioning in a device other than a printer. Group V has separate utility such as functioning in a device without a spindle for a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group V, restriction for examination purposes as indicated is proper.

12. Inventions Group II and Group VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II has separate utility such as functioning in a device without a printer. Group VI has separate utility such as functioning in a device without a spindle for a supply roll. See MPEP § 806.05(d).

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Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group VI, restriction for examination purposes as indicated is proper.

13. Inventions Group II and Group VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II has separate utility such as functioning in a device not having a printer. Group VII has separate utility such as functioning in a device without a spindle for a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group VII, restriction for examination purposes as indicated is proper.

14. Inventions Group II and Group VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II has separate utility such as functioning in a device that does not have a stacker. Group VIII has separate utility such as functioning in a device not having a spindle for a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group VIII, restriction for examination purposes as indicated is proper.

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15. Inventions Group II and Group IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II has separate utility such as functioning in a device without a stacker. Group IX has separate utility such as functioning in a device not having a spindle for a supply roll. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group IX, restriction for examination purposes as indicated is proper.

16. Inventions Group III and Group IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group III has separate utility such as functioning in a device not having two print heads. Group IV has separate utility such as functioning in a printer not having the gearing mechanism of Group III. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group IV, restriction for examination purposes as indicated is proper.

17. Inventions Group III and Group V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group III has separate utility such as functioning in a printer without the spring and latching

members. Group V has separate utility such as functioning in a printer not having the gearing mechanism of Group III. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group V, restriction for examination purposes as indicated is proper.

18. Inventions Group III and Group VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group III has separate utility such as functioning in a device that does not have a cutter. Group VI has separate utility such as functioning in a device that does not have the gearing mechanism of Group III. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group VI, restriction for examination purposes as indicated is proper.

19. Inventions Group III and Group VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group III has separate utility such as functioning in a device not having a platform. Group VII has separate utility such as functioning in a device that does not have the gearing mechanism of Group III. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group VII, restriction for examination purposes as indicated is proper.

20. Inventions Group III and Group VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group III has separate utility such as functioning in a device that does not feed a label in the retrograde direction. Group VIII has separate utility such as functioning in a device that does not have the gearing mechanism of Group III. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group VIII, restriction for examination purposes as indicated is proper.

21. Inventions Group III and Group IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group III has separate utility such as functioning in a device that does not have a platform. Group IX has separate utility such as functioning in a device that does not have the gearing mechanism of Group III. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group IX, restriction for examination purposes as indicated is proper.

22. Inventions Group IV and Group V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group IV has separate utility such as functioning in a device not having the spring and latching mechanism. Group V has separate utility such as functioning in a device without two print heads. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group V, restriction for examination purposes as indicated is proper.

23. Inventions Group IV and Group VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group IV has separate utility such as functioning in a device not having a stacker. Group VI has separate utility such as functioning in a device that does not have two print heads. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group VI, restriction for examination purposes as indicated is proper.

24. Inventions Group IV and Group VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group IV has separate utility such as functioning in a printing device not having a platform.

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Group VII has separate utility such as functioning in a device without two print heads.

See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group VII, restriction for examination purposes as indicated is proper.

25. Inventions Group IV and Group VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group IV has separate utility such as functioning in a device that does not feed the label in the retrograde direction. Group VIII has separate utility such as functioning without a printer. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group VIII, restriction for examination purposes as indicated is proper.

26. Inventions Group IV and Group IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group IV has separate utility such as functioning in a printing device not having a platform. Group IX has separate utility such as functioning in a device without two print heads. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group IX, restriction for examination purposes as indicated is proper.

27. Inventions Group V and Group VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group V has separate utility such as functioning without a stacker. Group VI has separate utility such as functioning with a printer having a platen that is not movable between a non-printing position and a printing position. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group V is not required for Group VI, restriction for examination purposes as indicated is proper.

28. Inventions Group V and Group VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group V has separate utility such as functioning without a platform. Group VII has separate utility such as functioning with a printer having a platen that is not movable between a non-printing position and a printing position. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group V is not required for Group VII, restriction for examination purposes as indicated is proper.

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29. Inventions Group V and Group VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group V has separate utility such as functioning without a stacker. Group VIII has separate utility such as functioning without a printer. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group V is not required for Group VIII, restriction for examination purposes as indicated is proper.

30. Inventions Group V and Group IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group V has separate utility such as functioning without a stacker. Group IX has separate utility such as functioning without a printer. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group V is not required for Group IX, restriction for examination purposes as indicated is proper.

31. Inventions Group VI and Group VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group VI has separate utility such as functioning without a platform. Group VII has separate utility such as functioning without a platen roller. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group VI is not required for Group VII, restriction for examination purposes as indicated is proper.

32. Inventions Group VI and Group VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group VI has separate utility such as functioning in a device that does not feed the label in the retrograde direction. Group VIII has separate utility such as functioning without a printer. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group VI is not required for Group VIII, restriction for examination purposes as indicated is proper.

33. Inventions Group VI and Group IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group VI has separate utility such as functioning without a platform. Group IX has separate utility such as functioning without a printer. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group VI is not required for Group IX, restriction for examination purposes as indicated is proper.

34. Inventions Group VII and Group VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each

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other if they are shown to be separately usable. In the instant case, invention Group VII has separate utility such as functioning in a device that does not feed the label in the retrograde direction. Group VIII has separate utility such as functioning without a printer. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group VII is not required for Group VIII, restriction for examination purposes as indicated is proper.

35. Inventions Group VII and Group IX are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a feed roll. The subcombination has separate utility such as functioning without a printer.

Because these inventions are distinct for the reasons given above and the search required for Group VII is not required for Group IX, restriction for examination purposes as indicated is proper.

36. Inventions Group VIII and Group IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group VIII has separate utility such as functioning without a platform. Group IX has separate

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utility such as functioning in a device that does not feed the label in the retrograde direction. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group VIII is not required for Group IX, restriction for examination purposes as indicated is proper.

Oral Election

37. A telephone call was made to Joseph Grass on 7/28/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion


38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (571) 272-2172. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KDW
July 28, 2005



Daniel J. Colilla
Primary Examiner
Art Unit 2854